IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.392 OF 2006

Union of India. ...Petitioner

vs.

M/s.Pancham International. ...Respondent

Mr.S.I.Shah i/b. Pankaj Kapoor, for Petitioner.

None for Respondent.

CORAM: D.K.DESHMUKH, J.

DATED: 27th November,2006..

P.C.:-

1. By this petition, the petitioner- Union of India challenges the Award made by the sole Arbitrator rejecting its claim. The Union of India had entered into a contract with the respondent for the supply of Jacket Sleeping Cotton. Part of stores were supplied by the respondent and the balance stores was not supplied. Therefore, the Union of India has given order to some other company for supply of stores. According to the Union of India it has suffered loss of Rs.2,08,200/- in the subsequent purchase which the respondent is liable to make good.

2. The learned Arbitrator has held that the petitioner Union of India has not produced any document before the learned Arbitrator which can conclusively show that what was the amount claimed by the firm to which the contract for supply of balance quantity was given, on what date the payment was made and whether the payment was actually made. Thus, the learned Arbitrator has found that there is only one letter which was placed before the learned Arbitrator to prove that the payment was made to the other firm. The learned Arbitrator has reproduced that letter ad-verbatim in the Award. Perusal of that letter shows that the observations found in the Award in relation to that letter made by the learned Arbitrator are fully justified. The finding that the material available on record is not enough to record the finding that the petitioner has suffered loss in the contract which was given to the other firm, is a finding of fact. I find from record that the view that has been taken by the learned Arbitrator is a possible view which does not call for any interference at the hands of this Court in its limited jurisdiction under Section 34 of the Arbitration and Conciliation Act. The petition is disposed of.